

U.S.A. vs SILVESTRE MONTOYA-FLORES

No. 08CR236-JAH

The Court finds excludable delay, under the section indicated by check (☒),
 commenced on 2/5/08 and ended on 4/28/08; (X7,XT1)
 _____ and ended on _____. ()

- 3161(h)
 ___ (1) (A) Exam or hrg for **mental or physical incapacity**
 ___ (1) (B) **NARA examination** (28:2902)
 ___ (1) (D) State or Federal trials or **other charges pending**
 ___ (1) (E) **Interlocutory appeals**
 ___ (1) (F) **Pretrial motions** (from flg to hrg or other prompt dispo)
 ___ (1) (G) **Transfers from other district** (per FRCrP 20, 21 & 40)
 ___ (1) (J) **Proceedings under advisement** not to exceed thirty days
 ___ Misc proc: Parole or prob rev, deportation, **extradition**
 ___ (1) (H) **Transportation** from another district or to/from examination
 or hospitalization in ten days or less
X (1) (I) Consideration by Court of **proposed plea agreement**
 ___ (2) **Prosecution deferred** by mutual agreement
 ___ (3) (A) (B) **Unavailability of defendant or essential witness**
 ___ (4) Period of **mental or physical incompetence** of defendant to
 stand trial
 ___ (5) Period of **NARA commitment or treatment**
 ___ (6) **Superseding indictment and/or new charges**
 ___ (7) **Defendant awaiting trial of co-defendant** when no severance
 has been granted
 ___ (8) (A) (B) **Continuances** granted per (h) (8)-use "T" alone if more than
 one of the reasons below are given in support of continuance
 ___ (8) (B) (I) 1) Failure to grant a **continuance** in the proceeding
 would result in a **miscarriage of justice** and
 the ends of justice outweigh the best interest
 of the public and the defendant in a speedy trial.
 (**Continuance - miscarriage of justice**)
X 2) Failure to grant a **continuance** of the trial would result in
 a **miscarriage of justice** as the defendant has tendered a
 guilty plea to a magistrate judge and is awaiting a
 determination as to whether the plea will be accepted.
 (**Continuance - tendered a guilty plea**)
 ___ (8) (B) (ii) 2) **Case unusual or complex**
 ___ (8) (B) (iii) 3) **Indictment** following arrest **cannot be filed** in thirty (30) days
 ___ (8) (B) (iv) 4) **Continuance** granted in order to obtain or substitute counsel,
 or give reasonable time to prepare
 (**Continuance re counsel**)
 ___ 3161(I) Time up to **withdrawal of guilty plea**
 ___ 3161(b) **Grand jury indictment time extended** thirty (30) more days

Date 2/5/08

WCS
 Judge's Initials

A

B

C

D

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F

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H

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(7)

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(T1)

T2

T3

T4

U

W